



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/629,254

07/31/2000

Stephen D. Dentel

10992740-1

3882

22879

7590

05/19/2005

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

SMITH, JEFFREY A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,254

Applicant(s)

DENTEL ET AL.

Examiner

Jeffrey A. Smith

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 24 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 26-33 is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 24, 2005 has been entered.

Response to Amendment

The Declaration filed on February 14, 2005 under 37 CFR 1.131 has been considered and is effective to overcome the Hayward et al. reference except for claims directed to identifying vendors offering to sell consumable products (i.e. claims 1-20).

The Declaration filed on February 14, 2005 fails to establish conception of the invention including the aspect of identifying vendors offering to sell consumable products. The evidence of Exhibits 1-4 filed February 14, 2005 do not support a conception of the invention prior to September 16, 1999 (the

Art Unit: 3625

Hayward et al. critical date). This aspect is first noted as appearing in the "Exhibit 1" filed with the Declaration of April 22, 2003. Such "Exhibit 1" (at the fifth page) discusses an "eStore Selection UI". This "Exhibit 1" is dated October 11, 1999. Although the Declaration filed February 4, 2005 alleges (at Item 16) that the October 11, 1999 "Exhibit 1" "corresponds to the content of [a] presentation given on September 13, 1999", the Examiner cannot determine to what extent the September 13, 1999 content actually "corresponds" to the October 11, 1999 "Exhibit 1". Particularly, the Examiner cannot determine whether the September 13, 1999 content includes an aspect of identifying vendors offering to sell consumable products.

Accordingly, the Hayward et al reference has not been removed for the rejections of claims 1-20.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the

Art Unit: 3625

United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hayward et al. (U.S. Patent No. 6,629,134 B2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al. (U.S. Patent No. 6,151,643) in view of Perlman et al. (U.S. Patent No. 6,023,585).

Cheng et al. discloses a computer implemented method of enabling a user of a processor system to purchase products for use with a component of the processor system (col. 4, lines 12-15). The component may be any one of plural types (col. 6, lines 21-23). The method comprises determining the particular

Art Unit: 3625

type of the component without input from the user(col. 7, lines 46-48); informing a remote server system via a communications network of the particular type of component (col. 14, lines 38-55); and identifying one or more vendors offering to sell products compatible for use with the particular type of component (col. 12, lines 11-15).

Cheng et al. further discloses that the steps of determining, informing and identifying are performed in response to a single action by the user (col. 7, lines 6-8).

The method further comprises displaying a list of the one or more identified vendors to the user (col. 7, lines 62-64).

The method additionally comprises the steps of selecting a vendor from the one or more identified vendors without input from the user; and establishing communications via the communications network between the processor system and a second remote server system associated with the selected vendor (col. 10, lines 33-38).

Cheng et al. further discloses that the step of identifying is performed by the remote server system (col. 14, lines 38-44); and that the step of identifying includes searching a database system containing information regarding a plurality of vendors and the products offered for sale by each of the plural vendors (col. 10, lines 26-32).

Art Unit: 3625

The method further comprises identifying which of plural products are compatible for use with the particular type of component, where the step of identifying compatible products and the step of identifying one or more vendors are performed by the remote server system (col. 14, lines 45-55).

The method further comprises informing a second remote server system of one or more of the compatible products via the communications network, where the second remote server system is associated with at least one of the identified vendors (col. 10, lines 33-38).

Cheng discloses a system configured to enable a user of a processor system to locate a vendor selling products for use with a component of the processor system. The component may be any one of plural types. The system comprises software executable by the processor system to determine a particular type of the component without input from the user, and to transmit a purchase request specifying the particular type of the component via a communications network (col. 15, lines 7-27); a server system configured to receive the purchase request from the processor system via the communications network, and to identify one or more vendors offering to sell products compatible for use with the particular type of the component.

Art Unit: 3625

The server system is configured to transmit a list of the one or more vendors to the processor system for presentation to the user via a user interface (col. 6, lines 51-62).

The user interface is configured to allow the user to select a vendor from the list, and where the server system is configured to forward the purchase request to the selected vendor via the communications network (col. 8, lines 21-50).

Cheng discloses that the user interface is an Internet web page (col. 6, lines 51-62).

The server system is configured to select a vendor from the one or more vendors, and to forward the purchase request to the selected vendor (col. 10, lines 33-38).

The server system further comprises a vendor database system listing a plurality of vendors and the products offered for sale by each vendor, and where the server system is configured to access the vendor database system to identify the one or more vendors.

The server system further comprises a product information database listing a plurality of types of components and the products compatible for use with each component, and where the server system is configured to access the product information database to identify which products are compatible for use with the particular type of the component.

Art Unit: 3625

The server system is configured to forward the purchase request and the identity of the compatible products to at least one of the one or more vendors.

Cheng et al. does not disclose that the component is a peripheral device.

Perlman et al., in a similar method (col. 2, lines 31-34), teaches that the identification of a peripheral device, such as a printer, is determined. The identification is precise for the peripheral device and is indicative of the type of device, manufacturer, and model number (col. 5, line 66-col. 6, line 9). The information is transmitted to a server (5) over a network connection (29). Appropriate products (device drivers) compatible for use with the particular peripheral device is downloaded for use with the particular peripheral device (col. 6, line 51-54).

It would have been obvious to one of ordinary skill in the art to have provided the method of Cheng et al. to have included the teachings of Perlman et al. in order to have allowed the peripherals (such as a printer) of an associated processor system to have been provided with compatible products in a manner consistent with the disclosure of Cheng et al. That is, although Cheng et al. does not discuss compatible products for use with a peripheral device of a processor system, Perlman does

Art Unit: 3625

address providing compatible products for peripheral devices of a processor system.

Although the combination of Cheng et al. and Perlman et al. does not teach consumable products, such as print media or an ink cartridge, it would have been well within the level of skill in the art to have specified any compatible product for the particular peripheral device. The skilled artisan would have recognized that the provision of ink and media is akin to the provision of software patches or updates, for instance. All of the provisions of such compatible products would ensure that the particular peripheral device is maintained as being in a condition that is acceptable for use.

Allowable Subject Matter

Claims 24, and 16-33 are allowable over the prior art of record.

Response to Arguments

Applicant's arguments filed February 14, 2005 have been fully considered but they are not persuasive.

Applicant's remarks directed to the rejections of claims 1-20 under 35 USC 102(e) are not persuasive because the

Art Unit: 3625

Declaration under 37 CFR 1.131 is not effective in showing prior conception for the subject matter recited in these claims.

Applicant's remarks directed to the rejections of claims 24, and 26-33 are under 35 USC 102 are persuasive because the Declaration under 37 CFR 1.131(e) is effective for showing prior conception, reduction to practice, and diligence for the subject matter recited in these claims.

Applicant's remarks directed to the rejections of claims 1-20 under 35 USC 103 are not persuasive.

The combined teachings of Cheng et al. and Perlman establish that one of skill in the art recognizes that computer configurations (including peripherals such as taught by Perlman) require maintenance. Maintenance items for computer configurations are many. Maintenance items are not limited simply to software updates, patches, and drivers, but also include hardware items, and any items necessary to achieve a configuration's intended function. These items are items such as ink and paper (consumables) for the Perlman printer.

Art Unit: 3625

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

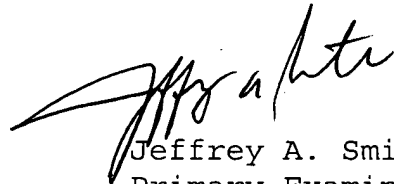
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is (571) 272-6763. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jeffrey A. Smith', is written over the typed name.

Jeffrey A. Smith
Primary Examiner
Art Unit 3625

jas